

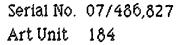
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07/486,827 03/01/90 SUDOH	Т	15870150X
		EXAMINER
ODLON SERTIAN MOCLESTAND	ZISKA,S	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT	ART UNIT	PAPER NUMBER
1755 JEFF.DAVS HWY, 4TH FL. ARLINGTON, VA 22202	184	6
This is a communication from the examinar in charge of your application COMMISSIONER OF PAYONTS AND TRADEMARKS	DATE MAILEO:	11/19/90
☐ This application has been examined ☐ Responsive to communication filed on		This action is made final.
shortened statutory period for response to this action is set to expiremonth(		the date of this letter.
Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:		
	Notice re Patent Drawing, P Notice of Informal Patent Ap	
art II SUMMARY OF ACTION		
1. [X] Claims 1-9		An acadina is the conficulties
Of the above, claims	•	, are pending in the application  withdrawn from consideration
2. Claims		have been cancelled.
3. Claims		_ are allowed
4 Claims		_ are rejected.
5. Claims		are objected to.
6. 🔀 Claims	Are subject to restriction	on or election requirement.
7. This application has been filed with informal drawings under 37 C.F.R. 1.85 white	ch are acceptable for exam	ination purposes.
8. Formal drawings are required in response to this Office action.		
9. The corrected or substitute drawings have been received on are acceptable; not acceptable (see explanation or Notice re Patent Drawings).		37 C.F.R. 1.84 these drawings
10. The proposed additional or substitute sheet(s) of drawings, filed onexaminer;  disapproved by the examiner (see explanation).	. has (have) been	approved by the
11. The proposed drawing correction, filed, has been 🗆	approved;  disapproved	(see explanation).
12. Acknowledgement is made of the claim for priority under U.S.C. 119. The certifit been filed in parent application, serial no; filed on	ed copy has Deen rece	ived  not been received
13. Since this application apppears to be in condition for allowance except for formal accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 21:	matters, prosecution as to 3.	the merits is closed in
14. Other		

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EXAMINER'S ACTION



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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7, drawn to a DNA fragment, classified in Class 536, subclass 27, for example.
- 5 II. Claims 8 and 9, drawn to a peptide, classified in Class 530, subclass 300 for example.

The inventions are distinct, each from the other because of the following reasons:

The DNA fragment of Group I and the peptide of Group II are mutually exclusive inventions.

Because these inventions are distinct for the reasons given above and have acquired a separate s tatus in the art as shown by their different classification, recognized divergent subject matter and separate search requirements, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Tillman on October 26, 1990, to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Serial No. 07/486,827 Art Unit 184

An inquiry concerning this communication should be directed to Examiner Suzanne Ziska, Ph.D., at telephone number 703-308-4008.

SEZ\_ 11/7/190

Elizabeth C relaiman

ELIZABETH C. WEIMAR
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT > 18 4